

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/30/2010 has been entered.

### ***Response to Amendment***

2. The amendments, filed 07/30/2010, have been entered and made of record. Claims 1-11, 17-19 are pending.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-11, 17-19 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Funahashi (US PG PUB 2002/0081039).

Regarding claim 1, Funahashi discloses a recording apparatus for recording contents, said recording apparatus comprising:

a drive unit operable to have a portable recording medium removably attached (see figure 4, media drive 25 and removable media);

a relief recording medium (see figure 4 HDD 24 (temporal storage));

an obtaining unit operable to obtain specification information which specifies one or more portable recording media to be used for recording a content (see paragraph 0110 record indication information specifies a medium and based on the information image files to be stored in the medium);

a recording control unit operable to perform control so that (i) in a case where one of the specified portable recording media is attached to said drive unit when the content is to be recorded, the content is recorded onto the attached portable recording medium, and (ii) in a case where none of the specified portable recording media are attached to said drive unit when the content is to be

recorded, the content is recorded onto said relief recording medium (see figure 11 which shows in step 54 determining whether removable medium loaded or not, and if loaded the process goes to step 57 to record the image files on the detected removable medium, otherwise the process goes to step 55 where the image files stored on the HD (step 55)) ; and

a dubbing control unit operable to, in a case where one of the specified portable recording media is attached to said drive unit after the content has been recorded onto the relief recording medium, dub the recorded content from said relief recording medium onto the one of the specified portable recording media (see figure 11 step 56 where the system checks if new medium loaded or not, and if so the process goes to step 57 where the image files recorded from the hard disk to the removable storage medium). See also paragraphs 0134-0138.

Note to the Applicant: The USPTO considers the Applicant's "or" language to be anticipated by any reference containing one of the subsequent corresponding elements.

Regarding claims 17-19, the limitation of claims 17-19 can be found in claim 1 above. Therefore claims 17-19 are analyzed and rejected for the same reason as discussed in claim 1 above.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Funahashi (US PG PUB 2002/0081039) in view of Taoda (US Pat. No. 5, 875, 459).

Regarding claim 2, although Funahashi discloses the limitation of claim 1, Funahashi fails to specifically disclose the specification information specifies one portable recording medium, using a piece of identification information which uniquely identifies the one portable recording medium; and said recording control unit judges that the specified portable recording medium is attached to said drive unit when a currently attached portable recording medium is identified with the piece of identification information.

In the same field of endeavor Taoda discloses specification information specifies one portable recording medium, using a piece of identification information which uniquely identifies the one portable

recording medium; and said recording control unit judges that the specified portable recording medium is attached to said drive unit when a currently attached portable recording medium is identified with the piece of identification information (see figure 4 which shows optical disk drive management table includes medium number; see col. 13 line 62-col. 14 line 3, CPU 12 determines which group the optical disk belonging to and the number of the medium).

Therefore in light of the teaching in Taoda it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Funahashi by providing piece of information that identifies recording medium located in drive unit in order to record file in a single or plurality of optical disk, permit accessing a file in higher speed, and identify specific disk.

Regarding claim 3, Taoda discloses the specified portable recording medium has the piece of identification information recorded thereon; and said recording control unit makes the judgment by comparing the piece of identification information recorded on a currently attached portable recording medium with the piece of identification information used by the specification information (see col. 9 lines 20-32 and col. 13 lines 54-61, col. 14 lines 18-21).

Regarding claim 4, Taoda discloses the specification information specifies the one or more portable recording media, using a piece of

identification information that identifies a group made up of the one or more portable recording media; and said recording control unit judges that one of the specified portable recording media is attached to said drive unit when a currently attached portable recording medium belongs to the group identified with the piece of identification information (see figure 4 and col. 13 line 54-col. 14 lines 23).

Regarding claim 5, Taoda discloses each of the one or more specified portable recording media has the piece of identification information recorded thereon, the piece of identification information showing the group to which each recording medium belongs; and said recording control unit makes the judgment by comparing the piece of identification information recorded on a currently attached portable recording medium with the piece of identification information used by the specification information (see col. 9 lines 20-32 and col. 13 lines 54-61, col. 14 lines 14-23, see also figure 4).

Regarding claim 6, Taoda discloses a list storing unit that stores a list showing the one or more specified portable recording media belonging to the group; wherein said recording control unit makes the judgment by referring to the list (see figure 4 drive management table 13a and col. 10 line 64-col. 11 line 3).

8. Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Funahashi (US PG PUB 2002/0081039) in view of Noguchi (US PG PUB 20050008346).

Regarding claim 7, although Funahashi discloses the limitation of claim 1, Funahashi fails to specifically disclose obtaining unit is further operable to obtain time information which indicates a time at which the content is broadcasted as a broadcast program, and the recording control unit performs the control so that the content is recorded at the time indicated by the time information.

In the same field of endeavor Noguchi discloses obtaining unit is further operable to obtain time information which indicates a time at which the content is broadcasted as a broadcast program, and the recording control unit performs the control so that the content is recorded at the time indicated by the time information (see figure 1, timer section 36, paragraph 0064 timer section counts clock signals to generate date and hour information, see paragraph 0081 CPU controls the recording based on the time information).

Therefore in light of the teaching in Noguchi it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Funahashi by providing timer information and controls the recording function based on the preselected time information in

order to reserve/store user desired content when the user is away from the recording/playback device.

Regarding claim 8, Noguchi discloses the obtaining unit obtains the specification information and the time information based on a piece of preprogramming information provided by a user who preprograms the recording of the content. (see paragraph 0080, optical disk having disk number 4; see paragraph 0067, user specifies which disk to use; see paragraph 0127 user enters recording date).

Regarding claim 9, Noguchi discloses the specification information specifies one portable recording medium (see paragraph 0076 optical disk assigned disc numbers);

a piece of preset information is recorded on the specified portable recording medium, the piece of preset information instructing that the content should be recorded and including the time information; and when the piece of preset information is read from the portable recording medium (see paragraph 0079 user specifies optical disc subjected to the recording, see paragraph 0080-0081 content recorded on specified medium, see paragraph 0069 program information recorded in each disc includes recording date and hour), the obtaining unit obtains (i) the specification information for instructing that the content should be recorded onto the portable recording medium having the piece of preset information (see



paragraph 0080 optical disc having disc number 4 specified and the content recorded on the specified disc), and (ii) the time information included in the piece of preset information (see paragraph 0069 recording date and hour recorded on the optical disc).

Regarding claim 10, Funahashi discloses an area releasing unit operable to, in a case where after the time indicated by the time information has arrived and the content is not recorded on either of said relief recording medium and the specified portable recording medium having the piece of preset information recorded thereon, release an area that is within the specified portable recording medium having the piece of preset information and is reserved for the recording of the content (see figure 9 steps 34-36 and paragraph 0128 if enough capacity does not exist in the removable medium currently loaded, a reservation is made on the medium).

9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Funahashi (US PG PUB 2002/0081039) in view of Noguchi (US PG PUB 20050008346) and further in view of Official Notice.

Regarding claim 11, although the combination of Funahashi and Noguchi discloses the limitations of claim 1 and 9, the combination fails to specifically disclose an area releasing unit operable to, in a case where the piece of preset information is deleted from the

specified portable recording medium, release an area that is within the specified portable recording medium having the piece of preset information and is reserved for the recording of the content.

Official Notice is taken that it is well known in the recording and reproducing art having free area in a recording medium after deletion of recorded information. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination by editing the information recorded on the disk in order to record the more updated or desired content by erasing the old content.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ueda (US PG PUB 20040008767 ¶0106), Nakano (US PG PUB 20030217075, claim 19); Murabayashi (US Pat. No. 4,630,613), and Fujinami (US Pat. No. 6, 385, 152) discloses freeing an area after deletion.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571)272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HELEN SHIBRU/  
Primary Examiner, Art Unit 2484  
August 19, 2011